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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,384	11/02/2001	Yutaka Matsuda	NAKAZ5.001AUS	7004
20995	7590	10/09/2003	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			LEE, JINHEE J	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			2831	

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/005,384	<b>Applicant(s)</b> MATSUDA ET AL.	
	<b>Examiner</b> Jinhee J Lee	<b>Art Unit</b> 2831	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-39 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☒ Claim(s) 1-39 are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All   b) ☐ Some \*   c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-7, 20-22 and 24-25, drawn to a wire harness mounting method, classified in class 29, subclass 868.
  - II. Claims 8-19, 23 and 31-39 drawn to a mounting structure, classified in class 174, subclass 72A.
  - III. Claims 26-30, drawn to harness inspecting method, classified in class 235, subclass 375.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method can be used to combine any wire-harness.
3. Inventions I and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions.

4. Inventions II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. This application contains claims directed to the following patentably distinct species of the claimed invention:

Claims of group I with

Species a drawn to method of figure 4.

Species b drawn to method of figure 5.

(Figure 5 with ):

Species bb drawn to figure 6.

Species ab drawn to figure 7.

Species ac drawn to figure 8.

Species ad drawn to figure 9.

Species c drawn to method of figure 17.

Species d drawn to method of figures 23 and 24.

Species e drawn to method of figure 25.

Species f drawn to method of figure 26.

Species g drawn to method of figures 28, 29.

Species h drawn to method of figure 30.

Species i drawn to method of figure 37.

Species j drawn to method of figure 38.

(method above with choose one type of duct or holding portion below):

Species ba drawn to figure 1.

Species bb drawn to figures 10 and 11.

Species bc drawn to figure 12.

Species bd drawn to figure 13.

Species be drawn to figure 18.

Species bf drawn to figure 19.

Species bg drawn to figure 20.

Species bh drawn to figure 21.

Species bi drawn to figure 22.

Species bj drawn to figure 31.

Species bk drawn to figures 32 and 33.

Species bl drawn to figure 34A.

Species bm drawn to figure 34B.

Species bn drawn to figure 34C.

Species bo drawn to figure 34D.

Species bp drawn to figure 35.

Species bq drawn to figure 36.

Species br drawn to figure 43.

Species bs drawn to figures 45 and 46.

Species bt drawn to figure 47.

Species bu drawn to figure 48.

Species bv drawn to figure 50.

Species bw drawn to figure 52.

Species bx drawn to figure 53.

Claims of group II with

Species ba drawn to figure 1.

Species bb drawn to figures 10 and 11.

Species bc drawn to figure 12.

Species bd drawn to figure 13.

Species be drawn to figure 18.

Species bf drawn to figure 19.

Species bg drawn to figure 20.

Species bh drawn to figure 21.

Species bi drawn to figure 22.

Species bj drawn to figure 31.

Species bk drawn to figures 32 and 33.

Species bl drawn to figure 34A.

Species bm drawn to figure 34B.

Species bn drawn to figure 34C.

Species bo drawn to figure 34D.

Species bp drawn to figure 35.

Species bq drawn to figure 36.

Species br drawn to figure 43.

Species bs drawn to figures 45 and 46.

Species bt drawn to figure 47.

Species bu drawn to figure 48.

Species bv drawn to figure 50.

Species bw drawn to figure 52.

Species bx drawn to figure 53.

Claims of group III with

Species k drawn to method of figure 39.

Species l drawn to method of figure 40.

Species m drawn to method of figure 41.

Species n drawn to method of figures 42A and 42B.

(method above with choose one type of duct or holding portion below):

Species ba drawn to figure 1.

Species bb drawn to figures 10 and 11.

Species bc drawn to figure 12.

Species bd drawn to figure 13.

Species be drawn to figure 18.

Species bf drawn to figure 19.  
Species bg drawn to figure 20.  
Species bh drawn to figure 21.  
Species bi drawn to figure 22.  
Species bj drawn to figure 31.  
Species bk drawn to figures 32 and 33.  
Species bl drawn to figure 34A.  
Species bm drawn to figure 34B.  
Species bn drawn to figure 34C.  
Species bo drawn to figure 34D.  
Species bp drawn to figure 35.  
Species bq drawn to figure 36.  
Species br drawn to figure 43.  
Species bs drawn to figures 45 and 46.  
Species bt drawn to figure 47.  
Species bu drawn to figure 48.  
Species bv drawn to figure 50.  
Species bw drawn to figure 52.  
Species bx drawn to figure 53.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.



Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

 9/30/03  
DEAN A. REICHARD  
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